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SH 2344747

AUDIO/VIDEO TRACKING SHEET

OFFICER INVOLVED SHOOTING FORM

INVESTIGATIVE SUMMARY

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- Deputy Rodriguez
- Deputy Diliberti
- Deputy Miranda
- Deputy Seacord
- Deputy Wheeler
- Deputy Edwards
- Deputy Messerschmidt
- Deputy Missel
- Deputy Munoz

EXHIBITS

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- **B.** Vehicle Pursuit Form
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- District Attorney Letter of Opinion on Shooting
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- Deputy Rodriguez's shooting and training records
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- Admonition forms / Aerial photographs

Los Angeles County Sheriff's Department
Officer Involved Shooting

Report Date: 06-22-15	Bureau/Station/Facility: Special Enforcement Bureau	Admin. Invest.? ☐ Hit? ☒

Incident Information

URN: 013-21360-1368-013	Date: 10-31-13 Time: 2255
City or Station: Paramount Location: 7400 Jackson Street, Paramount 90723	Nature of Incident: Suspect barricaded himself in a vehicle after a pursuit. During the pursuit suspect pointed a firearm at officers. SEB surrounded suspect's vehicle with armored vehicles. Suspect opened door of his vehicle and pointed his handgun in the direction of SEB deputies. Three SEB deputies fired at suspect, striking him.

Location Type (circle one or more): Backyard, Beach, Business, Freeway, Industrial, Park, Parking Lot, Residence, Rural, School, (Street) [circled], Other: ______

Lighting (circle only one): (Darkness) [circled], Daylight, Other, (Street Lights) [circled]

Weather (circle only one): (Clear) [circled], Cloudy, Fog, Rain

Distance:

Incident Type (circle one or more): Accidental, Armed Person, Fleeing Suspect, Foot Pursuit, Gun Take Away, Moving Vehicle, Sniper/Ambush, Startle, Struggle Involved, Traffic Stop, Unarmed Person, Unintentional, (Vehicle Pursuit) [circled], Warrant Service, Warning Shot, Other: Barricaded suspect in vehicle

Initiated by (circle only one): Arrest Warrant, Call, Observation, One Person Unit, (Other) [circled], Search Warrant, Two Person Unit

Prior Activity (circle only one): Detective, Inmate Transport, (Other) [circled], Routine Patrol

Total # of Shots Fired by Deputy	Total # of Shots Fired by Suspect	Aero Unit?	Canine Unit?
10	None	☒	☐

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (circle only one)	ShiftType (circle only one)
[redacted]	Munoz	Ricardo		EM PM (Day)	Regular Overtime (Off Duty)
[redacted]	Messerschmidt	Curt		EM (PM) Day	(Regular) Overtime Off Duty
[redacted]	Missel	Dennis		EM (PM) Day	(Regular) Overtime Off Duty

Non-Employee Witnesses

Last Name		First Name		M.I.	
Street Address	City	Zip Code	Work Ph	Home Ph	
Last Name		First Name		M.I.	
Street Address	City	Zip Code	Work Ph	Home Ph	
Last Name		First Name		M.I.	
Street Address	City	Zip Code	Work Ph	Home Ph	

Supervisors

Employee #	Last Name	First Name	M.I	(circle one or more)
[redacted]	Lee	Eric		(On Duty) [circled], (Present during shooting) [circled], Witness to shooting, Involved in shooting
				On Duty, Present during shooting, Witness to shooting, Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Chase	Bruce	

PSTD Use Only
SH # ______________

Officer Involved Shooting

URN: 013-21360-1368-013

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
11-01-13	0520		

Employee #	Last Name	First Name	M.I
[redacted]	Mauldin	Donnie	
[redacted]	Martinez	Richard	
[redacted]	Velasquez	Hector	

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S#1	E#2	FH	ZZ	45			NN	
E#1	S#1	FH	RM	SL	Y	Y	GS	AD
E#2	S#1	FH	CO	23	Y	Y	GS	AD
E#3	S#1	FH	HK	9	Y	Y	GS	AD

See Front Side

Officer Involved Shooting
Involved Employee Information

URN: 013-21360-1368-013

Involved Employee

E 1

Employee # [redacted]	Last Name: Schultz	First Name: Marc	M.I.
Sex: M Race: W	Rank: Bonus 1	Unit Assignment: SEB	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☒
Hrs of sleep prior to shooting: 6	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age: [redacted] Height: 509	Weight: 195		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted] Directed Force: [redacted]
Weapons Fired Brand: Remington	Caliber: 12 GA	# Shots: 3	Weapons Fired Brand: Caliber: # Shots:
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.

E 2

Employee # [redacted]	Last Name: Rodriguez	First Name: Juan	M.I.
Sex: M Race: H	Rank: Bonus 1	Unit Assignment: SEB	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☒
Hrs of sleep prior to shooting: 8	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age: [redacted] Height: 602	Weight: 240		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted] Directed Force: [redacted]
Weapons Fired Brand: Colt	Caliber: 223	# Shots: 5	Weapons Fired Brand: Caliber: # Shots:
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.

E 3

Employee # [redacted]	Last Name: Diliberti	First Name: Richard	M.I.
Sex: M Race: W	Rank: Bonus 1	Unit Assignment: SEB	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☒
Hrs of sleep prior to shooting: 8	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age: [redacted] Height: 508	Weight: 175		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted] Directed Force: [redacted]
Weapons Fired Brand: H&K	Caliber: 9	# Shots: 2	Weapons Fired Brand: Caliber: # Shots:
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.

See Other Side

Officer Involved Shooting Suspect Information

URN: 013-21360-1368-013

Suspect Information

S 1

Last Name: Saenz-Campana	First Name: Carlos	M.I.
AKA Last Name	First Name	M.I.

Sex: M Race: H	Street Address: [redacted]	City [redacted]	State & Zip Code: [redacted]
Work Phone:	Home Phone:	Social Security #: [redacted]	Driver's License #: [redacted]
Age: 27 D.O.B. 12-10-85	Height: 509 Weight: 170	FBI # [redacted]	CII # [redacted]
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☒	Coroner Case # 2013-07554	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☒	Apprehended? ☒	Mental Illness? [redacted]	Criminal History? [redacted]
Vehicle Make: GMC		Model: Yukon	Year: 1995

S__

Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.

Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S__

Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.

Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S__

Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.

Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

SUPPLEMENTAL EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Employee Witnesses

Last Name	First Name	M.I.	Street Address	Zip Code	Work Ph	Home Ph
Mianda #[redacted]	Charles		SEB		323-881-7800	
Seacord #[redacted]	Shane		SEB		323-881-7800	
Wheeler #[redacted]	James		SEB		323-881-7800	
Edwards #[redacted]	Darell		SEB		323-881-7800	
Hilgendorf #[redacted]	Kevin		SEB		323-881-7800	
Ponsford #[redacted]	James		SEB		323-881-7800	
Pratt #[redacted]	Steven		SEB		323-881-7800	
Mayberry #[redacted]	Thomas		SEB		323-881-7800	
Lee #[redacted]	Eric		SEB		323-881-7800	
Longan #[redacted]	Stephen		SEB		323-881-7800	
Davis #[redacted]	Gregory		SEB		323-881-7800	
Creamer #[redacted]	George		SEB		323-881-7800	
Coates #[redacted]	Jeffrey		SEB		323-881-7800	
Doucette #[redacted]	Stephen		SEB		323-881-7800	
Reedy #[redacted]	Spencer		SEB		323-881-7800	
Conti #[redacted]	Richard		SEB		323-881-7800	

SUPPLEMENTAL EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Employee Witnesses

Last Name	First Name	M.I.	Street Address	Zip Code	Work Ph	Home Ph
Giandomenico [redacted]	Thomas		SEB		323-881-7800	

Investigative Summary

DEPUTY INVOLVED SHOOTING: HIT

CASE NUMBER: SH2344747

File # 013-21360-1368-013

DATE: October 31, 2013, Thursday

TIME: 2255 hours

LOCATION: 7400 Jackson Street, Paramount CA. 90723

Opening Statement

On Thursday, October 31, 2013, Internal Affairs Bureau investigators responded to an incident command post, established by Lakewood Station personnel. Sergeant Richard Martinez, Sergeant Hector Velasquez and Lieutenant Donnie Mauldin were briefed regarding the circumstances of a Deputy Involved Hit Shooting. Sergeant Richard Martinez was assigned the responsibility for the administrative review of the incident.

Synopsis

While on routine patrol in his marked patrol car, Lakewood Station Deputy Alfonso Esqueda [redacted] Unit 136G7/PM shift, observed a maroon colored, 1995 GMC Yukon, two door, bearing the California license plate [redacted] traveling eastbound on Alondra Boulevard through the intersection at Garfield Avenue, in the city of Paramount. The GMC Yukon was in the #2 lane and Deputy Esqueda estimated the vehicles speed between 60-70 MPH, in violation of 22350 CVC. Deputy Esqueda positioned his marked black and white patrol vehicle behind the Yukon and activated the overhead solid lights to conduct a traffic stop. At the same time; he entered the vehicle's license plate number, [redacted], into his vehicle's Mobile Digital Computer (MDC) to access DMV records. The Yukon turned south onto Paramount Boulevard from Alondra Boulevard and yielded along the west curb line.

Deputy Esqueda, wearing a sheriff's department uniform, exited his patrol vehicle and yelled verbal commands for the driver to turn off the vehicle and display his hands outside the open driver's door window. The driver stuck his head out the open window and looked back in the direction of the patrol vehicle. Deputy Esqueda immediately recognized the driver as a local gang member, "Chino", who he had numerous prior contacts with. The driver quickly pulled his head back into the vehicle.

Deputy Esqueda could not see the driver and/or occupants as all of the windows were heavily tinted. A moment later, Suspect Saenz-Campana looked back out the driver's door window, pointing a handgun at Deputy Esqueda and yelled, "Fuck no." Deputy Esqueda retreated to the back of his patrol vehicle and the suspect sped away southbound on Paramount Boulevard.

Deputy Esqueda broadcasted the crime over Sheriff's radio and advised all units of the suspect and vehicle description. He lost sight of the suspect vehicle near Paramount Boulevard and the 91 Freeway. Deputy Esqueda authored a crime report regarding the incident; refer to **Exhibit A** pages **52-59.** He was also interviewed; refer to **Exhibit A** pages **36-37**.

Cerritos Station Patrol Sergeant, Paul Ramirez [redacted] located the suspect vehicle traveling on Studebaker Road near the 91 Freeway. He initiated a pursuit which was joined by Los Angeles County Aero Unit #21. The pursuit continued to the area of Bloomfield Avenue and the 91 Freeway, where the driver stopped for a short period and allowed three passengers to exit the vehicle. The three passengers were immediately detained and the pursuit continued. Refer to **Exhibit A** pages **64-67** for the passenger interviews and pages **37-40** for Aero Bureau deputy interviews.

The pursuit continued north through the city of Norwalk and onto the southbound 605 Freeway. As the pursuit reached the westbound 91 Freeway, California Highway Patrol units assumed control of the pursuit, at the request of the Cerritos Station watch commander. Sergeant Garcia remained in the pursuit behind the California Highway Patrol units. The pursuit continued through the cities of Paramount and Compton. Suspect Saenz-Campana was reportedly on his cellular telephone throughout the pursuit.

Just prior to the termination of the pursuit, the suspect vehicle stopped and Suspect Saenz-Campana pointed a handgun at CHP Officers. Refer to **Exhibit A** pages **40-48** for the CHP Officer interviews. After the suspect left the freeway, Sheriff's deputies resumed control of the pursuit. The pursuit continued to eastbound Jackson Street where the suspect swerved to avoid a spike strip and collided with a tree along the south curb line. The collision rendered the Yukon inoperable and a standoff with deputies ensued. The Yukon was immobile and facing south on Jackson Street, which was an east/west roadway. Suspect Saenz-Campana remained in the vehicle with the handgun and refused to exit the vehicle. Sergeant Ramirez authored a Supplemental Report regarding his actions; refer to **Exhibit A** pages **60-63**. He was also interviewed; refer to **Exhibit A** pages **34-36**. The CHP officer's vehicles had video cameras and captured the pursuit; A portion of the pursuit was also captured by CBS news; refer to **Exhibit C.**

Patrol deputies and deputies from the Canine Services Detail who followed the pursuit, set up a containment of the suspect's vehicle and summoned the Los Angeles County Special Enforcement Bureau (SEB) and Crisis Negotiation Team (CNT).

Deputies assigned to the Special Enforcement Bureau positioned three armored rescue vehicles (ARVs) around the suspect's vehicle.

One ARV (#1) was parked facing in a southeast direction toward the rear and driver's side of the Yukon. One ARV (#2) was parked facing west along the south curb line in front of the Yukon and one ARV (#3) was parked facing south and just west of the Yukon. The suspect's vehicle was illuminated by spotlights from the ARV's.

CNT personnel who were stationed at the command post, spoke to Suspect Saenz-Campana numerous times using cellular telephones during the three hour standoff. CNT personnel continuously told the suspect to leave the gun in the car and exit his vehicle. These conversations were recorded and can be found in **Exhibit C**. CNT personnel wrote a supplemental report regarding their actions; refer to **Exhibit A** pages **49-51**.

SEB deputies observed Suspect Saenez-Campana inside the Yukon talking on the telephone and holding a gun to his head and mouth. The command post advised the suspect was agitated, possibly suicidal and refused to exit the vehicle without his pistol.

The suspect, while seated in the back seat, leaned the front driver's seat back as if to create space to quickly exit. The suspect then looked out the side and back tinted windows of his vehicle in an apparent attempt to locate the position of deputies. Shortly thereafter, the command post advised over the radio that the suspect stated he was not going back to prison and he was going to "go out hard." The suspect then climbed into the driver's seat with the pistol held to his head with his right hand and a cellular telephone to his ear with his left hand.

The suspect set the telephone down, opened the driver's door with his left hand, and began to exit the driver's door as he removed the gun from his head. He pointed the gun in an easterly direction toward Deputy Rodriguez and other deputies near ARV#1.

Deputy Schultz said he was in ARV#2, when they pulled into position, he saw the suspect through the front windshield sitting in the driver's seat of the Yukon. He saw the suspect was holding a handgun to his temple with his right hand. Shortly thereafter, he saw the suspect move to the backseat of the vehicle. Deputy Schultz was in the turret of the ARV and said from his position; he could only see the suspect's lower body when he moved to the backseat.

Deputy Schultz said he could not hear the suspect, but saw he appeared agitated while talking on the telephone. Command post and CNT personnel consistently updated his team with information as to the suspect's frame of mind. Information relayed to him was that the suspect was not going to go back to prison, he was going to kill himself, he was not going to leave his pistol in his vehicle when he exited and he was very agitated.

Deputy Schultz said the information he was receiving over the radio was consistent with his observations.

After approximately two hours, Deputy Schultz saw the suspect had reclined the front driver's seat flat and began to look out the windows in an apparent attempt to locate the position of deputies.

A short time later, the suspect repositioned himself and climbed into the front seat holding a pistol to his head.

Suspect Saenz-Campana then opened the driver's door and pointed his pistol in the direction of Deputy Juan Rodriguez and other deputies behind ARV#1. Fearing the suspect was going to kill deputies, Deputy Schultz fired one initial slug from his shotgun while the suspect was still seated in the driver's seat. The suspect quickly "scurried" back while still holding the pistol. Deputy Schultz said he then fired two additional slugs at the suspect. The suspect then laid back and pushed himself back between the two front seats, where he came to rest. Deputy Schultz added he heard other gunfire simultaneous to his.

Deputy Rodriguez and involved Special Enforcement Bureau personnel were briefed and assigned a specific assignment. Deputy Rodriguez was first tasked with staging on Jackson Street, just west of the suspect, with the initial arrest team. Once the ARV's were staged and ready to take their positions around the suspect vehicle, Deputy Rodriguez positioned himself on the driver's side of ARV #1. Deputy Galvez was driving ARV#1, Deputies Rodriguez, Ponsford, Wheeler, Edwards and Sergeant Lee were on the driver's side skid rail. Deputy Galvez positioned ARV#1 facing in a southeasterly direction just east of the suspect vehicle.

Once ARV#1 was in position on the eastside of the suspect's vehicle, Deputy Rodriguez positioned himself in front of ARV#1's windshield. He had a direct view of the suspect vehicle's driver's door window and about half of the rear driver's side window. He said the windows were heavily tinted and he was only able to view a silhouette of the suspect when he was on his cellular telephone. Deputy Rodriguez said the command post and Deputy Miranda, who was in ARV#2, provided updates as to the suspect's location, statements and demeanor. He heard over the radio, prior to the shooting, that the suspect advised he was a second striker and was not going to go back to jail. He was agitated and said that he would not come out of his vehicle without his gun.

Deputy Rodriguez said the command post advised that the suspect was going to come out with the gun. He saw the suspect take a seated position in the front seat of his vehicle. He could see the silhouette of the suspect's left shoulder and head. Deputy Miranda advised over the radio the suspect still had a gun in his hand. Shortly thereafter, the driver's door quickly opened and Deputy Rodriguez saw the suspect extend the gun in his right hand at him and his team.

In fear the suspect was going to shoot at him and his partners, Deputy Rodriguez fired four rounds from his Colt M-4 rifle. He said the suspect's driver door quickly shut and simultaneously he heard other gunfire.

Deputy Diliberti was tasked with manning the passenger side windows/ports in ARV#2. He said Deputy Miranda was driving ARV#2, Deputy Schultz was in the turret above him and Deputy Creamer was near the back passenger side of the vehicle manning a window/port.

Deputy Diliberti said he had a good position that allowed him to look into the front windshield and view the suspect. He relayed the suspect's position and actions over the radio to assisting Deputies and CNT personnel.

Deputy Diliberti said during the two hour period, he estimated that ninety percent of the time the suspect held the cocked pistol to his head. The suspect alternated his phone and pistol between hands.

Deputy Diliberti could not physically hear the suspect, but he was relayed information from the command post via the radio, the suspect was suicidal, agitated, and not afraid to shoot it out with police.

Deputy Diliberti said just prior to the shooting the suspect reclined the driver's seat back and positioned himself behind the passenger seat. Deputy Diliberti said the suspect looked around in an apparent attempt to identify the location of deputies. He began to breathe very heavily and ultimately jumped into the front seat of his vehicle. The command post advised that the suspect was going to come out of his vehicle.

Shortly thereafter, the suspect opened the driver's door of his vehicle, with his pistol in hand and his finger on the trigger. The pistol was pointed toward Deputy Rodriguez. Deputy Diliberti heard Deputy Rodriguez and Deputy Schultz shoot at the suspect. The suspect then went back into the vehicle and into the driver's seat. Deputy Diliberti saw the suspect coming back toward the door again to make another attempt to come out. Deputy Diliberti then fired two rounds through the windshield at the suspect, to keep him from reengaging the deputies. The suspect then went from the driver's seat into the back seat.

Fearing the suspect remained a threat; deputies shattered the heavily tinted windows of the Yukon using fire poles and .40 caliber rubber projectiles, to allow a visual inspection of the interior of the vehicle. Deputies saw that the suspect was breathing, but nonresponsive. Deputies approached the vehicle with a ballistic shield and safely removed Suspect Saenz-Campana from the vehicle. He was immediately treated by Emergency Services Detail Deputies.

Suspect Saenz-Campana sustained five gunshot wounds, four to his torso and one to his right thigh. He was transported to Saint Francis Medical Center where he succumbed to his injuries.

The suspect's .45 caliber pistol was recovered from the suspect's vehicle.
No deputies were injured.

The incident was documented in Homicide Bureau's case book, **Exhibit A**, a vehicle pursuit packet, **Exhibit B**, along with related CD's & DVD's, **Exhibit C.**

A letter from the District Attorney's office, concluding the involved deputies acted lawfully, in self-defense and defense of others, is included in the **Miscellaneous Documents** section.

Involved Personnel

Schultz, Marc, Deputy, [redacted]

Assigned to Homeland Security Division, Special Enforcement Bureau

Date of Employment: June, 1990

Date Assigned to SEB: [redacted]

Prior Shooting Incidents: [redacted]

Prior Founded Force Incidents: [redacted]

Rodriguez, Juan, Deputy, [redacted]

Assigned to Homeland Security Division, Special Enforcement Bureau

Date of Employment: January, 2002

Date Assigned to SEB: [redacted]

Prior Shooting Incidents: [redacted]

Prior Founded Force Incidents: [redacted]

Diliberti, Richard, Deputy, [redacted]

Assigned to Homeland Security Division, Special Enforcement Bureau

Date of Employment: January, 2002

Date Assigned to SEB: [redacted]

Prior Shooting Incidents: [redacted]

Prior Founded Force Incidents: [redacted]

Suspect

Saenz-Campana, Carlos MH/12-10-85

Suspect Saenz-Campana has an extensive criminal background. A check of the CCHRS (Consolidated Criminal History Reporting System) revealed that Suspect Saenz-Campana (CII# [redacted]) has been booked [redacted] (including [redacted] Refer to the printouts included under **Exhibit A, pages 107-125.**

Sworn Witnesses

Miranda, Charles [redacted] Deputy (Special Enforcement Bureau)

Seacord, Shane [redacted], Deputy (Special Enforcement Bureau)

Wheeler, James [redacted] Deputy (Special Enforcement Bureau)

Edwards, Darell [redacted] Deputy (Special Enforcement Bureau)

Hilgendorf, Kevin [redacted] Deputy (Special Enforcement Bureau)

Ponsford, James [redacted], Deputy (Special Enforcement Bureau)

Pratt, Steven [redacted] Deputy (Special Enforcement Bureau)

Mayberry, Thomas [redacted] Deputy (Special Enforcement Bureau)

Lee, Eric [redacted] Sergeant (Special Enforcement Bureau)

Munoz, Ricardo [redacted], Deputy (Special Enforcement Bureau)

Longan, Stephen [redacted], Deputy (Special Enforcement Bureau)

Davis, Gregory [redacted], Deputy (Special Enforcement Bureau)

Creamer, George [redacted], Deputy (Special Enforcement Bureau)

Coates, Jeffrey [redacted], Deputy (Special Enforcement Bureau / Emergency Services Detail)

Doucette, Stephen [redacted], Deputy (Special Enforcement Bureau / Emergency Services Detail)

Giandomenico, Thomas [redacted], Sergeant (Special Enforcement Bureau / Emergency Services Detail)

Messerschmidt, Curt [redacted], Deputy (Special Enforcement Bureau / Canine Services Detail)

Reedy, Spencer [redacted], Deputy (Special Enforcement Bureau / Canine Services Detail)

Missel, Dennis [redacted], Deputy (Special Enforcement Bureau / Canine Services Detail)

Conti, Richard [redacted], Sergeant (Special Enforcement Bureau / Canine Services Detail)

Civilian Witnesses

None

Injuries

No deputies were injured.

Suspect Saenz-Campana sustained five gunshot wounds, four to his torso and one to his right thigh. He was transported to Saint Francis Medical Center where he succumbed to his injuries.

An Autopsy Report for Suspect Saenz-Campana is included under **Exhibit A,** pages **126-149.** A CD containing Autopsy photographs is included in **Exhibit C.**

Physical Evidence

All physical evidence was collected and documented by Scientific Services Bureau personnel. For more information, see **Exhibit A,** pages **17- 31** and Supplemental Reports under **Exhibit D.**

Additionally, DVD's and CD's containing crime scene photographs and audio recordings are provided with this case; refer to **Exhibit C**.

Investigators' Observations

At the time of the IAB investigator's arrival, the crime scene had been preserved. The physical evidence at the scene appeared to be consistent with the deputies' versions of the events.

This incident occurred on the 7400 block of Jackson Street, Paramount which is an east/west residential street. For further details, refer to **Exhibit A,** pages **25- 26**.

IAB Note: IAB Lieutenant Donnie Mauldin checked to see that the Incident Commander, Lieutenant Bruce Chase took reasonable steps to ensure the involved deputies did not discuss the incident with uninvolved persons prior to being interviewed by the assigned investigators. In addition, IAB Lieutenant Donnie Mauldin ensured the Incident Commander had the involved deputies gather in the company of a supervisor until they had provided a statement to the assigned investigators.

Weapons used by Deputy Personnel:

Schultz, Marc
Weapon Type: Remington 12 gauge shotgun, model 870, serial #LASD[redacted]
Rounds Fired: Three
Date Employee Last Qualified: [redacted]

IAB Note: An examination of Deputy Schultz's firearm showed four 00 buck shells in the mounted sleeve. Deputy Shultz stated he loaded three 12 gauge slugs in his shotgun when deployed to the barricaded suspect. During the incident he fired all three slugs and then reloaded four 00 buck shells. After the shooting incident, he removed the four 00 buck shells and placed them back in the mounted sleeve. The firearm was tested by Sheriff's firearms examiners and found to be functional. See **Exhibit A** pages **93-95.**

Rodriguez, Juan
Weapon Type: Colt 5.56mm, M4 Commando, serial #A[redacted]
Rounds Fired: Five
Date Employee Last Qualified: [redacted]

IAB Note: An examination of Deputy Rodriguez' rifle showed it was loaded with 23 rounds in the magazine. Deputy Rodriguez stated he routinely carries the weapon system with 28 rounds in the 30 round magazine. During this incident he recalled firing four rounds, but after removing and counting the remaining rounds for investigators, he realized he fired five rounds.

After the shooting, he removed the round from the chamber and placed it back into the magazine to render the rifle safe. The firearm was tested by Sheriff's firearms examiners and found to be functional. See **Exhibit A** pages **93-95.**

Diliberti, Richard
Weapon Type: Heckler and Koch 9mm, MP5, serial #[redacted]
Rounds Fired: Two
Date Employee Last Qualified: [redacted]

IAB Note: An examination of Deputy Diliberti's weapon showed it was loaded with 26 rounds in the magazine. Deputy Diliberti stated he routinely carries the weapon system with 28 rounds in the magazine. During this incident he fired two rounds. After the shooting, he removed the round from the chamber and placed it back into the magazine to render the rifle safe. The firearm was tested by Sheriff's firearms examiners and found to be functional. See **Exhibit A** pages **93-95.**

<u>Weapon used by Suspect</u>

(1) "Para Ordnance," 45 caliber, model P12-45, serial number RJ[redacted] one magazine with ten live rounds.

<u>Property Damage</u>

The following impacts/bullet holes were located on the suspect's vehicle: (4) Bullet holes in the front windshield and (2) bullet impacts on the front windshield. There was a bullet hole on the upper driver's side B-pillar and a bullet hole in the ceiling's center console between the driver's seat and front passenger seat. See **Exhibit A** pages **26-27**.

<u>Criminal Investigators</u>

The handling Homicide Detectives were Louie Aguilera [redacted] and Scott Hoglund [redacted].

<u>Lighting and Weather Conditions</u>

This incident occurred during evening hours. The weather was clear and cool.

Involved Employee and Witness Employee Statements

Homicide investigators interviewed all involved personnel in this incident, as well as Deputies Miranda and Seacord. Deputy Miranda was the driver of ARV#2 and continuously updated information regarding the suspect's actions via the radio. Deputy Seacord was positioned next to Deputy Rodriguez and heard shots being fired, however he did not see who fired them. A summary of their interviews may be found in **Exhibit A,** pages **6-13.** The verbatim transcripts of those interviews are enclosed in this case. This IAB investigator reviewed the audio recordings of those interviews and found that Homicide's summary of each interview is an accurate account of what was said.

IAB Interview of Deputy Marc Schultz

Deputy Schultz was interviewed on May 26, 2015, at 1112 hours by Sergeants Richard Martinez and Dan Peacock at the Internal Affairs Bureau office. Deputy Schultz was represented by Mitchell Kander of Green and Shinee. The interview was digitally recorded and transcribed. The following is a summary of his interview. For more information and precise wording, see the attached verbatim transcription of the interview.

Deputy Schultz said he was assigned to the turret position in ARV#2. His ARV was parked in front of the suspect's vehicle and his job was to cover the suspect and a designated shooter. He went on to say there was another ARV positioned on the driver's side of the suspect's vehicle and referred to it as ARV#1. There were deputies positioned outside of ARV#1 on the driver's side and their assignment was an arrest team. He remembered seeing Deputy Rodriguez positioned near the front of this ARV.

Deputy Schultz said when they first drove up he saw the suspect inside his vehicle, seated in the driver's seat holding a gun to his head. The suspect looked at him (Schultz) and moved to the backseat. Deputies Miranda and Diliberti were in the ARV with Deputy Schultz and they were providing information as to the suspect's actions. They had a better view into the suspect's vehicle from their positions.

Deputy Schultz received information via the radio and from Deputy Miranda, the suspect was on his cell phone and still had the gun pointed to his head. Deputy Schultz could see the suspect from his view reach forward and put the driver's seat back down. He then saw the suspect move his left leg onto the driver's seat. The suspect then started to look around to his left and right. Deputy Schultz thought the suspect was trying to see exactly where the team was. The suspect continued to move into the driver's seat slowly and Deputy Schultz could see the suspect had the handgun pointing to his own head. Using his left hand, the gun was in his right hand, the suspect reached down and cracked the door. As the suspect came out, the gun came across the front of his body in the direction of the arrest team.

Thinking the suspect was trying to kill deputies on the arrest team Deputy Schultz immediately fired one round through the windshield. He saw the suspect look at him as if he was hit, however, he didn't stop moving. He still had the handgun.

Deputy Schultz fired two more rounds, and saw the suspect launch between the seats back to the backseat. Deputy Schultz estimated three to five seconds elapsed between the time he fired the first round and the two additional rounds.

Deputy Schultz did not continue firing, as the suspect had moved out of his view and he could no longer see the suspect's hands or gun.

Deputy Schultz said he heard other rounds being fired as he fired and estimated the number to be between one and five. He said they appeared to be simultaneous to his, however he thought there were a couple more rounds fired just after he got done shooting.

Deputy Schultz said less-lethal would not have been an option for him, as they would not have penetrated the front windshield. He said his backdrop during the shooting was the ARV's and his shooting angle had the rounds going straight into the vehicle and to the ground.

At the end of the interview Deputy Schultz said the suspect had every opportunity to put the gun down and surrender. He chose to come out with a gun and forced the deputies hand.

IAB Interview of Deputy Juan Rodriguez

Deputy Rodriguez was interviewed on May 26, 2015, at 1035 hours by Sergeants Richard Martinez and Dan Peacock at the Internal Affairs Bureau office. Deputy Rodriguez was represented by Mitchell Kander of Green and Shinee. The interview was digitally recorded and transcribed. The following is a summary of his interview. For more information and precise wording, see the attached verbatim transcription of the interview.

Deputy Rodriguez said there were three ARV's surrounding the suspect's vehicle. ARV#1 was on the driver's side, ARV#2 was across the front and ARV#3 was on the passenger side. Deputy Rodriguez and members of the arrest team were positioned on the outside of ARV#1 along the driver's side.

Deputy Rodriguez was a designated shooter and positioned near the hood and front driver's door hinge. He said the suspect's vehicle was illuminated from spotlights on the ARV's, however he could not see the suspect in the vehicle from his position, due to the heavy tint on the suspect's vehicle windows.

Deputy Rodriguez said he received information that the suspect said he wasn't going back to jail; he was going to shoot it out and they weren't going to take him alive. That information was relayed over the radio by CNT. The suspect started hopping back and forth in his Tahoe from the front driver's side area toward the rear passenger's side.

The ARV# 2 driver (Deputy Miranda) started putting out information that the suspect was hopping toward the front. He still has the gun in his right hand and it looked like his left hand was reaching down to open the door. Deputy Rodriguez said he saw the door crack open. Then the suspect opened the door. He then saw the suspect pointing his handgun in the direction of him and the arrest team.

Deputy Rodriguez fired four to five rounds over the hood of ARV#1 at the suspect. He said he fired his rounds because the door of the suspect vehicle was still open and the suspect was still pointing the gun. He said his backdrop was ARV#3. Deputy Rodriguez said he heard other rounds being fired simultaneous to his and some seconds after that.

After the shooting the suspect closed the door and was lying down toward the back seat. A plan was discussed and implemented where the suspect vehicle windows would be shattered and removed and a team of deputies would remove the suspect from the vehicle. Deputy Rodriguez led the team with a ballistic shield and they were able to remove the suspect from the vehicle.

Once removed, the suspect was treated by paramedics from the Emergency Services Detail.

IAB Interview of Deputy Richard Diliberti

Deputy Diliberti was interviewed on May 26, 2015, at 1156 hours by Sergeants Richard Martinez and Dan Peacock at the Internal Affairs Bureau office. Deputy Diliberti was represented by Mitchell Kander of Green and Shinee. The interview was digitally recorded and transcribed. The following is a summary of his interview. For more information and precise wording, see the attached verbatim transcription of the interview.

Deputy Diliberti said there were three ARV's surrounding the suspect's vehicle. ARV#1 was on the driver's side, ARV#2 was across the front and ARV#3 was on the passenger side. Deputy Diliberti was assigned to ARV#2 and was positioned in the back. He was able to look out through windows and portholes which were located on the side of the ARV. He was responsible for observing the suspect / suspect vehicle and provide updates to his positioning and / or movement. The suspect vehicle was illuminated from spotlights on the ARV's.

Deputy Diliberti said Deputy Rodriguez, a few other deputies and K-9 deputies were positioned outside of ARV#1, along the driver's side and along the back. They were going to be the arrest team if the suspect decided to surrender. He said Deputy Rodriguez was positioned near the front between the door and wheel.

Deputy Diliberti said all of the side windows of the suspect's vehicle windows had dark tint on them, so he and Deputy Miranda, who was in the ARV with him, had the best view through the front windshield of the suspect's vehicle. Deputy Diliberti said he believed the suspect was on the phone with the crisis negotiators and then, at some point, the suspect demanded to speak to his girlfriend. The suspect got off the phone and it was at that point the crisis negotiators said the suspect made statements to her over the phone; he was not going to surrender and he was going to make some attempt to come out and shoot at the deputies

Deputy Diliberti said he saw the suspect start to situate the inside of the vehicle for whatever it was he was going to do. Deputy Diliberti relayed this information to the guys that were on the outside. He said the suspect was moving back and forth, from the back seat to the front seat. When the suspect was in the backseat, he was out of view of most of the guys from the team, other than himself and Deputy Miranda. The suspect started breathing real heavy, like he was getting himself psyched up for whatever it was he was going to do and Deputy Diliberti was trying to describe the suspect's actions to the deputies.

Deputy Diliberti's saw the suspect crank the backrest portion of the driver's seat all the way back, so that it was resting almost on the bench seat in the rear. The suspect then positioned himself in-between the backseat and the front seat. Deputy Diliberti thought the suspect was setting himself up to have a clear shot out the door and relayed the information via the radio.

Deputy Diliberti saw the suspect looking around, trying to see where people were positioned. The suspect came up to the front driver's side door and opened it. The suspect was coming out, gun in his hand, towards ARV#1 when Deputy Rodriguez and Deputy Schultz shot at him.

The suspect went back into the vehicle, into the driver's seat and Deputy Diliberti opened a porthole of the ARV. The suspect started coming back toward the door again to make another attempt to come out and he (Deputy Diliberti) fired two rounds through the windshield. Deputy Diliberti did not know if Deputies Schultz and Miranda were prepared to fire again and he did not want the suspect to come out again and remain a threat. The suspect then went into the backseat.

Deputy Diliberti estimated two to three seconds elapsed from the time Deputies Schultz and Rodriguez fired and he fired. He said his shooting backdrops were the ARV's.

Deputy Diliberti said after he fired his two rounds, the suspect crawled toward the back of the vehicle and was no longer a threat. He went on to say the threat was not the suspect in the vehicle with a gun, it was the suspect attempting to exit the vehicle with a gun and the potential threat to the deputies outside the ARV.

At the end of the interview Deputy Diliberti said they were in the business of giving people the opportunity to surrender and they were out there for several hours trying to resolve the situation peacefully.

Witnesses

Sworn:

Wheeler, James, Deputy [redacted]
Special Enforcement Bureau

Deputy Wheeler was interviewed on June 8, 2015, by Sergeant Richard Martinez at the Special Enforcement Bureau. The interview was digitally recorded and transcribed. The following is a summary of his interview. For more information and precise wording, see the attached verbatim transcription of the interview

Deputy Wheeler said he responded to the incident and was the Scout of the operation. He described the Scout as being in charge of setting up all of the tactical plans and is in charge of the scene.

Deputy Wheeler made sure that the arrest teams were set up. He utilized patrol units, in positions where they were in a position of cover or could deal with the suspect from either side of the passenger or driver's side of the vehicle, as more SEB units were arriving.

He started evacuating the houses that were north of the suspect's vehicle and formulated a plan on surrounding the suspect's vehicle with armored vehicles.

Deputy Wheeler positioned ARV#1 on the driver's side, ARV#2 across the front and ARV#3 on the passenger side. He said ARV#3 (BEAR) was placed there, as it has the highest profile to prevent the suspect from exiting the passenger side and providing a backdrop for the designated shooter positioned outside of ARV#1.

An arrest team was assembled and positioned on the outside of ARV#1 along the driver's side. Deputy Wheeler said there were positions of lethal, less lethal, hands-on, verbals and a dog on the arrest team. There were two lethal positions assigned to ARV#2.

Deputy Wheeler said his plan was as long as the suspect remained in the car and was not a threat to the public, he was just going to let CNT continue to negotiate and have dialogue with him and hopefully wear him down to where he would surrender peacefully.

Information was provided that the suspect was on the phone with family members and started to get agitated. He made threats that he was not afraid to shoot it out with the police and [redacted]

Deputy Miranda who was in ARV#2 provided information that the suspect was psyching himself up and opened the door with a gun in his hand. A shooting then took place.

Deputy Wheeler said he was on the driver's side of ARV#1 near the rear when he heard the shooting. He remembered hearing two or three rounds and it sounded like they came from two weapons. He received information that the suspect went back into the backseat and they couldn't see his hands. Deputy Wheeler said he did not know if the suspect was hit by the gunfire and they could not get a good of view of him, due to the tinted windows. He decided to have deputies from the BEAR and ARV#1 take fireman poles and smash the windows out so they could get a good look inside the vehicle to see where the suspect was and his condition.

After doing this, Deputy Wheeler went inside the BEAR and looked into the suspect's vehicle. The suspect was not moving and he could not see the suspect's right hand which had the gun. He had Deputy Longan pin the suspect's arm with the pole, as he (Deputy Wheeler) and others were going to approach the suspect's vehicle. They approached the vehicle and removed him from the vehicle. The suspect was then treated by paramedics.

Edwards, Darell, Deputy [redacted]
Special Enforcement Bureau

Deputy Edwards was interviewed on May 27, 2015 by Sergeant Richard Martinez at the Lakewood Sheriff's station. The interview was digitally recorded and transcribed. The following is a summary of his interview. For more information and precise wording, see the attached verbatim transcription of the interview

Deputy Edwards heard radio traffic of a pursuit in which the suspect pointed a handgun at a deputy. He responded to the scene and saw the suspect's vehicle disabled in the street. There were personnel from Lakewood Station and Canine Services Detail surrounding the suspect's vehicle. Deputy Edwards placed the deputies in positions to contain the suspect's vehicle behind cover and designated deputies as shooters, should it become necessary. Members from the Special Enforcement Bureau started arriving and were briefed on the incident and given assignments.

Deputy Edwards was the backup Scout and Deputy Wheeler was the Scout. These positions are responsible for handling the tactical operation. Due to the fact the suspect was armed and refusing to come out of his vehicle, a plan was developed and implemented to surround the suspect's vehicle with Armored Rescue Vehicles (ARV's.)

ARV#1 was on the driver's side, ARV#2 was across the front and ARV#3 was on the passenger side. An arrest team and designated shooter were positioned on the outside (driver's side) of ARV#1, a designated shooter and intelligence deputies were in ARV#2, ARV#3 was positioned to prevent the suspect from exiting his vehicle on the passenger side. ARV#3 and ARV#1 also served as shooting backdrops for the designated shooters.

During the incident, information was provided by the Crisis Negotiations Team and deputies inside ARV#2. [redacted] Throughout the incident the suspect continuously held a handgun and threatened to kill himself. At one point information was provided that the suspect was going to exit the vehicle and shoot one of the deputies. Shortly after this information was shared, the suspect cracked the door open with a gun in hand and gunfire followed. He heard five to six rounds from different weapons and saw the muzzle flash of Deputy Schultz' shotgun. He was standing next to Deputy Rodriguez and saw him firing his weapon.

After the shooting information was relayed over the radio that a deputy involved shooting had occurred and the suspect was down. The suspect was inside the vehicle, however one of the suspect's hands was not visible, nor was the handgun. A plan was developed to break out the tinted windows of the suspect's vehicle in order to get a better view of the suspect. The windows were broken and a deputy was able to use a pole from within ARV#3 to move the suspect's arm / hand to determine where the handgun was.

A team of deputies including Deputy Edwards approached the vehicle and were able to remove the suspect from the vehicle. Once removed, he was treated by paramedics.

Messerschmidt, Curt, Deputy [redacted]
Special Enforcement Bureau / Canine Services Detail

Deputy Messerschmidt was interviewed on June 1, 2015, by Sergeant Richard Martinez at the Special Enforcement Bureau. The interview was digitally recorded and transcribed. The following is a summary of his interview. For more information and precise wording, see the attached verbatim transcription of the interview

Deputy Messerschmidt said he heard radio traffic of an armed suspect in a pursuit and the suspect was pointing a handgun at the deputies. He responded to the area and was trying to catch up to the pursuit when he heard the suspect's vehicle had crashed and became disabled.

Deputy Messerschmidt arrived on scene and immediately set up an arrest team utilizing other members of the Canine Services Detail, as well as Lakewood Station patrol deputies. Requests were made to the suspect to come out and surrender, however he refused. Due to the fact the suspect was still armed with a handgun and refusing to come out of the vehicle, Special Enforcement Bureau Swat Detail was notified and responded.

Deputy Messerschmidt said the Special Enforcement Bureau Swat Detail arrived and set up armored vehicles around the suspect's vehicle.

ARV#1 was located on the driver's side of the suspect vehicle and ARV#2 was in front of the suspect vehicle. Deputy Messerschmidt said he was in a kneeling position near the driver's side front tire of ARV#1 with his dog.

He said he was unable to see over the hood of the ARV toward the suspect's vehicle during the incident. He heard updates over the radio that the suspect was still armed with a handgun and was moving about inside his vehicle. Deputy Messerschmidt heard the suspect appeared to be coming out of the vehicle with a handgun and approximately five to ten seconds later he saw Deputy Schultz fire his shotgun two to three times from the turret of ARV#2. He saw the muzzle flash of the shotgun, as well as the recoil of the shotgun into Deputy Schultz's shoulder. Deputy Messerschmidt heard other gunfire at this time; however he was unsure of where it was coming from.

Deputy Messerschmidt heard radio traffic that the suspect was inside his vehicle toward the backseat. Announcements for the suspect to surrender were made and a plan was made to approach the vehicle as they could not tell if the suspect was incapacitated or injured. Deputy Messerschmidt maintained his position and saw deputies make their way toward the suspect's vehicle. He then heard radio traffic that the suspect was down and was removed from the vehicle. Once removed the suspect was treated by members of the Emergency Services Detail.

Missel, Dennis, Deputy [redacted]
Special Enforcement Bureau / Canine Services Detail

Deputy Missel was interviewed on June 5, 2015, by Sergeant Richard Martinez at the Special Enforcement Bureau. The interview was digitally recorded and transcribed. The following is a summary of his interview. For more information and precise wording, see the attached verbatim transcription of the interview

Deputy Missel said he responded to a pursuit of a man with a gun and assault with a deadly weapon on a peace officer. Deputy Missel said he joined in the pursuit until it ended and then he took a position in the alley just north and east of the suspect's vehicle, without his dog. The suspect was still armed with a handgun and a Special Weapons Team responded to the scene.

Armored vehicles were placed around the suspect's vehicle and Deputy Missel took a position on the driver's side of the armored vehicle that was next to the driver's side of the suspect's vehicle. He was next to another Canine Services Detail deputy and dog. When asked if he remembered the names of the deputies near him, Deputy Missel said he only remembered Deputy Rodriguez.

Deputy Missel said he heard updates the suspect was moving back and forth from the front seat to the rear seat inside his vehicle with his gun. At some point he heard the suspect was coming out of the vehicle and one to two seconds later he saw Deputy Schultz firing his shotgun from the turret of ARV#2.

He said he heard other shots being fired, but could not tell who was shooting.

Deputy Missel said he moved from his position at the front of ARV#1 to the rear of it. He heard a plan being discussed by the arrest team, to break the windows of the suspect's vehicle and saw a deputy with a fireman's pole breaking the windows.

The suspect was removed from the vehicle and treated by Emergency Services Detail paramedics.

Munoz, Ricardo, Deputy [redacted]
Special Enforcement Bureau

Deputy Munoz was interviewed on June 5, 2015, by Sergeant Richard Martinez at the Special Enforcement Bureau. The interview was digitally recorded and transcribed. The following is a summary of his interview. For more information and precise wording, see the attached verbatim transcription of the interview.

Deputy Munoz said he responded to the incident and was briefed that there was an armed suspect inside of a vehicle and it was unclear if the suspect's vehicle was incapacitated.

Deputy Munoz was tasked with driving an armored vehicle "BEAR" and placing it next to the passenger side of the suspect's vehicle. He said it was meant to be a position of observation into the suspect's vehicle, as well as a shooting backdrop. Deputy Munoz said his view into the suspect's vehicle was limited, as the suspect's vehicle had very dark tint on the windows and his (Munoz) position in the BEAR was higher than the suspect's vehicle. Information was put out that the suspect was very agitated, holding a gun to his head and stating if he did come out, he would have a gun.

Deputy Munoz said he heard information via the radio, that the suspect was going to come out of the vehicle, but refused to drop the weapon.

He saw the driver's door open and as the suspect started to step out, he heard shots fired. He said he heard between six and eight shots fired and saw Deputy Schultz firing his shotgun from the turret of ARV#2. He believed Deputy Schultz fired three rounds. A plan was made to break the windows of the suspect's vehicle by using a fireman's pole from inside of the BEAR. The windows were broken and Deputy Munoz could see the suspect lying on the rear seat. Using the pole an attempt was made to move the suspect, so both his hands could be seen. The plan did not work and the vehicle was eventually cleared, with the suspect being removed from the vehicle and treated by paramedics.

Pratt, Steven, Deputy [redacted]
Special Enforcement Bureau

Deputy Pratt was interviewed on June 8, 2015, by Sergeant Richard Martinez at the Special Enforcement Bureau. The interview was digitally recorded. The following is a summary of his interview.

Deputy Pratt said he responded to the incident and was briefed the suspect was involved in a pursuit with deputies, was armed and had threatened deputies with his firearm. The suspect's vehicle had crashed during the pursuit and had become disabled.

Deputy Pratt said there were armored vehicles (ARV) placed around the suspect's vehicle and he (Pratt) was positioned as part of the arrest team on the driver's side of ARV#1, near the rear quarter panel. He went on to say ARV#1 was positioned on the driver's side of the suspect's vehicle. Deputy Pratt said he continuously received information from the Command Post that the suspect said he was going to go out shooting [redacted] Deputy Pratt said he received information [redacted] He also received information from deputies that were in ARV#2 (in front of the suspect's vehicle) that the suspect had brandished his firearm at them.

Deputy Pratt said he received information over the radio the suspect was coming out of the vehicle; however he could not see the suspect from his position. He said he heard approximately five gunshots coming from the front of ARV#1 and ARV#2. He said the shots came from two different weapons. Deputy Pratt did not see who fired the shots.

After the shooting, Deputy Pratt heard the suspect went into the backseat of his vehicle. The deputies were no longer able to see the suspect, so a plan was made to break out the suspect's vehicle windows. Deputy Pratt said he broke out the driver's side rear window and rear hatch window using a fireman's pole, while he was inside ARV#1. They were now able to see the suspect and a plan was developed to approach the suspect vehicle behind a shield and remove the suspect. Deputy Pratt was not part of the plan, but he did see the deputies approach the vehicle, remove the suspect and take him to the street. Once on the street, medical personnel treated the suspect.

Longan, Steve, Deputy [redacted]
Special Enforcement Bureau

Deputy Longan was interviewed on June 8, 2015, by Sergeant Richard Martinez at the Special Enforcement Bureau. The interview was digitally recorded. The following is a summary of his interview.

Deputy Longan said he responded to the incident and was briefed the suspect was involved in a pursuit and was armed with a handgun. He said he was positioned in an armored rescue vehicle which was on the passenger side of the suspect's vehicle. He was unable to see inside the suspect's vehicle due to the heavy tint on the windows.

Deputy Longan said he was provided information during the incident the suspect was becoming more agitated and he was not going to go easy. He could not remember the exact verbiage used, but took it to mean the suspect was going to go out fighting. Deputy Longan said he received information the suspect was armed with a handgun and was manipulating the handgun while in the vehicle.

Deputy Longan said at one point he heard information from the ARV that was parked in front of the suspect's vehicle the suspect was coming out of the vehicle. Moments after hearing this, he heard gunfire. He did not know where the gunfire came from, as he could not see from his position in the vehicle. Deputy Longan estimated hearing five to eight shots. He then heard radio traffic that the suspect was down, however he went back into the vehicle.

Deputy Longan said he used a fireman's pole from inside the vehicle he was in to break out the passenger side window, so they could get a better view of the suspect. After breaking the window he used the pole to move the suspect's arm and body. He was then able to see a handgun next to the suspect. A team of deputies then made an approach behind a shield and were able to remove the suspect from the vehicle. Paramedics then began treating the suspect.

Doucette, Stephen, Deputy [redacted]
Special Enforcement Bureau / Emergency Services Detail

Deputy Doucette was interviewed on June 11, 2015, by Sergeant Richard Martinez at the Special Enforcement Bureau. The interview was digitally recorded. The following is a summary of his interview.

Deputy Doucette said he responded to the incident and was briefed that a suspect allegedly armed with a handgun was involved in a pursuit. The vehicle had stopped and the suspect was refusing to come out of the vehicle.

Deputy Doucette said he was positioned behind an armored vehicle that was parked in an alley just east and north of the suspect's vehicle. He remained at this position through much of the incident. He remembers hearing radio traffic the suspect was moving inside of the vehicle with a weapon in his hand. He then heard radio traffic the suspect was trying to exit the vehicle. After hearing this he heard multiple shots being fired from different locations and from different weapons.

Deputy Doucette said after the shooting he heard radio traffic the suspect was in the back of the vehicle and deputies were unable to see him. A plan was made to make verbal announcements to the suspect and have deputies approach the vehicle behind cover, open the doors and remove the suspect. He said he participated in the plan and helped remove the suspect from the vehicle. Deputy Doucette said the suspect was breathing and moving as he was removed from the vehicle. The suspect was then treated by members of the Emergency Services Detail, which included himself.

Coates, Jeffrey, Deputy [redacted]
Special Enforcement Bureau / Emergency Services Detail

Deputy Coates was interviewed on June 12, 2015, by Sergeant Richard Martinez at South Los Angeles Station. The interview was digitally recorded. The following is a summary of his interview.

Deputy Coates said he responded to the incident and was briefed that a pursuit ended and the suspect in the vehicle was armed. His assignment was to be a paramedic, in case anyone became injured. Deputy Coates was positioned on the driver's side of the ARV that was parked along the driver's side of the suspect's vehicle. He heard updates via the radio, that the suspect was moving inside the vehicle, partially opening the door and closing it, pointing the gun at himself and at the deputies inside of the armored vehicles.

Deputy Coates said he heard several times the suspect was going to exit the vehicle and then at one point heard firearms being discharged. He said he heard a shotgun and an M4 being fired. He heard one shotgun and two to three M4 shots. He heard radio traffic advising that rounds were fired and the suspect was hit and that the suspect was inside the vehicle. A plan was made to remove the suspect from the vehicle, as he was no longer moving. The suspect was removed from the vehicle and Deputy Coates treated him on scene. The suspect was then transported to the hospital via ambulance.

Giandomenico, Thomas, Sergeant [redacted]
Special Enforcement Bureau / Emergency Services Detail

Sergeant Giandomenico was interviewed on June 23, 2015, by Sergeant Richard Martinez at the Special Enforcement Bureau. The interview was digitally recorded. The following is a summary of his interview.

Sergeant Giandomenico said he arrived at the incident and he was the supervisor of the ESD paramedics. He said he was positioned behind an armored vehicle which was parked north and east of the suspect vehicle in an alley. Sergeant Giandomenico said radio traffic was routinely put out regarding the suspect's movements and actions; however he could not remember what was said.

Sergeant Giandomenico said he heard gunshots and they sounded like they were different calibers. After the gunshots, radio traffic was broadcasted that there was consistent movement inside the vehicle. A plan was developed and implemented to remove the suspect from the vehicle. Once removed, the suspect was treated for his injuries. Sergeant Giandomenico assisted in the treatment and remembered finding an injury in the suspect's right femoral area that was bleeding substantially and focused on this injury. The suspect was then transported to the hospital.

Galvez, Gonzalo, Deputy [redacted]
Special Enforcement Bureau

Deputy Galvez was interviewed on June 5, 2015, by Sergeant Richard Martinez at the Special Enforcement Bureau. The interview was digitally recorded and transcribed. The following is a summary of his interview. For more information and precise wording, see the attached verbatim transcription of the interview

Deputy Galvez said he responded to the incident and was provided information an armed suspect was barricaded in a vehicle and the suspect had pointed a firearm at police officers.

Deputy Galvez was tasked with driving ARV#1 and positioning it on the driver's side of the suspect's vehicle. Deputy Galvez was also tasked with staying inside the vehicle and remained in the driver's seat. He said during the incident, deputies were positioned outside of his vehicle on the driver's side and to the rear.

Deputy Galvez said information was put out over the radio that the suspect was becoming agitated, [redacted] he would not be taken alive and the suspect was armed. Deputy Galvez said at some point information was put out the suspect had checked his firearm by removing the magazine, looked at it and then placed the magazine back into the firearm. He could see shadows of the suspect inside the vehicle, as the vehicle's windows had dark tint on them.

Deputy Galvez heard information over the radio the suspect was going to come out of the vehicle, but refused to come out without his gun. Deputy Galvez said he saw the suspect lower the driver's seat back from the backseat of the vehicle. He then saw the suspect move to the driver's seat while holding a handgun and looking out toward the arrest team and all around. He then saw the suspect's left arm reach toward the driver's door armrest and pop the door open. The suspect bladed his body toward the outside of the vehicle and then Deputy Galvez heard gunfire. He could not see the gunfire, but knew it was directed at the suspect. He said the gunfire came from different caliber weapons. The suspect then dove from the driver's seat to the rear of the vehicle. The suspect was moving around and a plan was made to break the windows of the vehicle.

After breaking the windows, information was put out that the suspect appeared to be shot, incapacitated and the handgun was on the rear floorboard. A plan was made to remove the suspect from the vehicle and was executed. The suspect was extricated from the vehicle and was treated by paramedics from the Emergency Services Detail.

Ponsford, James, Deputy [redacted]
Special Enforcement Bureau

Deputy Ponsford was interviewed on June 8, 2015, by Sergeant Richard Martinez at the Special Enforcement Bureau. The interview was digitally recorded. The following is a summary of his interview.

Deputy Ponsford responded to the incident and was briefed. He was told the suspect was involved in a pursuit and had pointed a pistol at either a deputy or highway patrol officer. He was also told the suspect's vehicle was disabled and the suspect refused to exit the vehicle.

Deputy Ponsford was assigned to the arrest team as less lethal and was armed with a 40mm six shot less lethal weapon. He was positioned to the rear of ARV#1, which was parked on the driver's side of the suspect's vehicle.

Deputy Ponsford heard information via the radio, that the suspect was upset that [redacted] and if he came out of the vehicle he was going to shoot it out. He remembers hearing information the suspect moved into the front seat of his vehicle, checked his weapon and then opened the driver's door. Deputy Ponsford then heard a short volley of gunfire (six) from different weapons and radio traffic advising the suspect had been shot.

Deputies inside ARV's 1 and 3 broke the side windows of the suspect's vehicle in order to see inside. Deputies inside ARV#2 had lost sight of the suspect as he was now laying in the backseat. Deputy Ponsford fired several of his 40mm rounds in an attempt to break the rear window of the suspect's vehicle in order to get a better view into the vehicle.

After seeing the suspect was no longer armed, he was removed from the vehicle and treated by paramedics.

Lee, Eric, Sergeant [redacted]
Special Enforcement Bureau

Sergeant Lee was interviewed on June 4, 2015, by Sergeant Richard Martinez at the Special Enforcement Bureau. The interview was digitally recorded. The following is a summary of his interview.

Sergeant Lee responded to the location and was the sergeant of the team handling the incident. His Scout was James Wheeler and Backup Scout was Darell Edwards. They formulated a plan and implemented it. They placed armored vehicles around the suspect vehicle, made announcements for the suspect to surrender and had the Crisis Negotiators speak with him.

Sergeant Lee was part of the arrest team that was positioned outside of the armored vehicle that was parked along the driver's side of the suspect's vehicle. Two designated shooters were positioned, with one of them near him and one in the turret of the armored vehicle that was parked in front of the suspect's vehicle.

Information was relayed via the radio that the suspect was moving around inside his vehicle and putting his gun to his head. Other information was relayed that the suspect was very upset, saying he was going to kill himself and that he would not be taken alive. At one point information was provided that the suspect was armed and coming out of the vehicle. He then heard several gunshots. He does not remember how many gunshots he heard, as he was on the phone with the command post at the time of the shooting.

The suspect was in the backseat of his vehicle and they believed he had been shot. They came up with a plan to remove the suspect from the vehicle and executed it. The suspect was then treated by members of the Emergency Services Detail.

IAB NOTE: The following Special Enforcement Bureau personnel were present at the incident and interviewed by Sergeant Martinez:

Richard Conti
Spencer Reedy
Gregory Davis
Kevin Hilgendorf
George Creamer
Thomas Mayberry

They heard the information regarding the suspect's actions, attempt to exit his vehicle and the shooting, but did not see it. Due to their limited involvement their interviews were not summarized. Recordings of their interviews can be found in the audio files.

IAB NOTE: During their interviews the deputies were shown a picture of the area of the shooting scene to aid them in pointing out positions of vehicles and deputies. Those pictures are included with this case in the **Miscellaneous Documents** section.

Civilian:

None

Suspect:

Deceased



LOS ANGE(S COUNTY DISTRICT AT(ORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

JACKIE LACEY o District Attorney
SHARON J. MATSUMOTO o Chief Deputy District Attorney
JOSEPH P. ESPOSITO o Assistant District Attorney

SCOTT K. GOODWIN o Director

August 13, 2014

Captain Duane Harris
Homicide Bureau
Los Angeles County Sheriff's Department
5747 Rickenbacker Road
Commerce, California 90040

Re: J.S.I.D. File #13-0726
LASD File #013-21360-1368-013

Dear Captain Harris:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the October 31, 2013, fatal shooting of Carlos Saenz by Los Angeles County Sheriff's Department (LASD) Deputies Marc Shultz, Richard Diliberti, and Juan Rodriguez. We have concluded that the deputies acted lawfully in self-defense and defense of others.

The District Attorney's Command Center was notified of the shooting on November 1, 2013, at 4:12 a.m. The District Attorney Response Team, comprised of Deputy District Attorney Stephanie Sparagna and District Attorney Supervising Investigator Larry Dimmick, responded to the scene. They were given a briefing of the circumstances of the shooting and a walk-through of the scene.

The following analysis is based on reports submitted by LASD Homicide Detective Luis Aguilera. The voluntary statements of Deputies Shultz, Diliberti and Rodriquez were considered in this analysis.

FACTUAL ANALYSIS

On October 31, 2013, LASD Deputy Alfonso Esqueda saw a 1995 GMC Yukon SUV speeding on Alondra Boulevard in the City of Paramount. Esqueda followed the SUV in his marked patrol car and activated the overhead lights to conduct a traffic stop. The SUV yielded and parked along the curb. Esqueda, who was in full uniform, exited his patrol car and ordered the driver to turn off the engine and show his hands. The driver stuck his head out the window and Esqueda recognized Carlos Saenz, a known local gang member. Saenz pulled his head back inside the SUV. Moments later, Saenz looked back at Esqueda and pointed a handgun at him yelling, "Fuck you!" Esqueda retreated to his car and Saenz sped away. Esqueda broadcasted a description of Saenz and the SUV and initiated a pursuit which was joined by the Los Angeles

Clara Shortridge Foltz Criminal Justice Center
210 West Temple Street
Los Angeles, CA 90012-3210
(213) 974-3888
Fax: (213) 620-1208
WEBSITE: http://da.co.la.ca.us

Aero Unit, other LASD deputies and members of the California Highway Patrol (CHP).[1] During the pursuit, Saenz stopped on Garfield Avenue and the 91 freeway and pointed the handgun at CHP Officers [redacted] and [redacted] The pursuit continued on the 91 and 605 freeways and various city streets through the Cities of Norwalk, Compton and Paramount and terminated in the City of Paramount where Saenz swerved to avoid a spike strip and collided with a tree which rendered the SUV inoperable. A standoff ensued and the Los Angeles County Special Enforcement Bureau (SEB) and Crisis Negotiation Team (CNT) were summoned to the scene. Three armored rescue vehicles (ARV), and accompanying SEB deputies, were positioned around Saenz' vehicle preventing him from leaving the scene while negotiations proceeded during the three hour standoff. CNT personnel spoke to Saenz using a cell phone advising him to exit the SUV without the gun. Saenz refused and could be seen holding a cell phone with one hand and the gun to his head and mouth with the other hand. Finally, Saenz opened the door and pointed the handgun at LASD SEB Deputy Juan Rodriquez. LASD SEB Deputies Marc Schultz and Richard Diliberti and Deputy Rodriguez discharged their weapons striking Saenz who reentered the SUV and closed the door. Fearing Saenz remained a threat, deputies shattered the tinted windows of the SUV using fire poles and .40 caliber rubber projectiles to allow the deputies to see inside the vehicle. Saenz laid on his back breathing but was unresponsive. Saenz was removed from the vehicle, treated by emergency personnel and transported to St. Francis Medical Center where he was pronounced dead.

Statement of Deputy Marc Shultz

Deputy Shultz, Deputy Diliberti and LASD SEB Deputies Charles Miranda and George Creamer were assigned to ARV #2 which was positioned in front of Saenz' vehicle. Shultz was tasked with manning the turret, Miranda was driving, Diliberti was positioned at port with Creamer at the back of the vehicle. Shultz saw Saenz through the front windshield holding the handgun to his temple. Saenz moved to the back seat. Schultz could not hear Saenz but saw that he appeared agitated as he spoke on his cell to CNT personnel who informed Shultz that Saenz insisted he was not going back to prison, was going to kill himself and would not leave the SUV without his gun. Saenz reclined the front seat, looked out the window and climbed into the front seat holding the gun to his head. Saenz opened the driver's door and pointed the gun at Deputy Rodriquez who stood outside ARV #1. While still positioned in the turret, Shultz fired one round from his Remington 12 gauge pump shotgun, Model 870 while Saenz was seated in the driver's seat. Saenz moved back while holding the gun and Shultz fired two more rounds at Saenz who pushed himself between the two front seats.

Statement of Deputy Richard Diliberti

Diliberti was positioned inside ARV #2 when he saw Saenz begin to breathe heavily and jump into the front seat. Saenz opened the front driver's door with a pistol in his hand and his finger on the trigger. Saenz pointed the pistol at Deputy Rodriquez who discharged his weapon simultaneously with Schultz. Saenz sat back in the driver's seat and worked his way into the

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[1] Prior to entering the freeway, Saenz stopped the vehicle and allowed passengers [redacted] and [redacted] to exit the SUV. They were detained by responding units, questioned and released.

back seat where he could not be seen. Deputy Miranda informed Diliberti that Saenz was coming up and pointing his pistol in the direction of the deputies behind ARV #1. In fear that Saenz was going to re-engage the deputies with his pistol, Diliberti fired two rounds from his Heckler & Koch, 9mm semiautomatic/automatic rifle, Model MP5K. Saenz collapsed in the back seat of the SUV.

Statement of Deputy Juan Rodriguez

ARV #1 was positioned parallel to the driver's side of the SUV. Rodriquez was standing outside ARV #1 in front of the windshield with a direct view of the driver's door of the SUV. The windows were heavily tinted allowing Rodriquez to see only a silhouette of Saenz. Deputy Miranda provided updates as to Saenz' location inside the vehicle, statements to CNT personnel and demeanor. Rodriquez could hear over the radio that Saenz was a "second striker," was not going back to jail and refused to come out of the SUV without his gun. Hours later, the command post advised that Saenz was coming out of the vehicle with the gun. The driver's door opened quickly and Saenz extended his gun at Rodriquez and his team members. In fear Saenz was going to shoot at him and his partners, Deputy Rodriquez fired four rounds from his Colt, .223 caliber semiautomatic/automatic rifle Model, M-4. The driver's door shut and Saenz disappeared inside the SUV and was not visible until Rodriquez approached and saw Saenz down in the back seat.

Other evidence

Carlos Saenz was in possession of a .45 caliber, semiautomatic, "Para Ordnance", Model P12-45 containing a live round in the chamber and five live rounds in the magazine. The gun was recovered from the passenger's side floorboard behind the front seat.

[redacted] is Carlos Saenz' [redacted] received word from family members that Carlos had been involved in a police chase and was parked in front of [redacted] surrounded by the police. [redacted] who was at work, was instructed by the family to turn on the TV and watch the news. [redacted] called Carlos and asked him to give himself up. Carlos said he did not want to hurt anyone and that he wanted to kill himself. During the last hour, Carlos was crying and apologized to [redacted] for being the way he was. [redacted] explained that earlier that day there had been a family quarrel which escalated when Carlos retrieved a gun and left the residence. Later, Carlos returned to the home and argued with [redacted] She told Carlos she was going to call the police. Carlos threatened to kill her and himself and left. While at work, [redacted] received a call from [redacted] about the argument and threats and called the Long Beach Police Department requesting patrol checks on his home.

Coroner's Evidence

On November 3, 2013, Los Angeles Deputy Medical Examiner Kevin Young performed an autopsy on Saenz and concluded his death resulted from multiple gunshot wounds. In total,

Saenz sustained five gunshot wounds. A toxicology analysis detected methamphetamine in Saenz' blood.

LEGAL ANALYSIS

California law permits the use of deadly force in self-defense if the person claiming the right of self-defense actually and reasonably believed that he was in imminent danger of great bodily injury or death. *People v. Humphrey* (1996) 13 Cal.4th 1073, 1082; *see also*, CALCRIM No. 505.

"The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments – in circumstances that are tense, uncertain, and rapidly evolving – about the amount of force that is necessary in a particular situation." *Graham v. Conner* (1989) 490 U.S. 386, 396-397.

CONCLUSION

After an extensive vehicle pursuit where Saenz pointed a gun at several officers, Saenz refused to comply with commands from CNT personnel to exit the SUV without the gun. Instead, Saenz began to exit the SUV pointing the handgun directly at Deputy Rodriguez and other SEB deputies assigned to ARV #1. Saenz had expressed a desire to kill himself to the CNT personnel, his mother and his brother. These statements, along with his actions, demonstrated a clear desire to die at the hands of the police who responded with reasonable and necessary force. The evidence examined in this matter shows that the actions of Carlos Saenz placed Deputy Rodriguez and other deputies in actual, imminent danger of death or great bodily injury. We find that Deputies Marc Shultz, Richard Diliberti, and Juan Rodriguez acted in lawful self-defense and defense of others.

Very truly yours,

JACKIE LACEY
District Attorney

By

STEPHANIE SPARAGNA
Deputy District Attorney
[redacted]

c: Deputy Marc Shultz, #[redacted]
Deputy Richard Diliberti, #[redacted]
Deputy Juan Rodriguez, #[redacted]

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COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

"A Tradition of Service"

OFFICE CORRESPONDENCE

DATE: July 24, 2015

FROM: PATRICK MAXWELL, COMMANDER
SOUTH PATROL DIVISION

TO: DONNIE MAULDIN, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS

Case Number:	SH2344747
Incident:	Hit Shooting
Incident Date:	October 31, 2013
Unit:	Special Enforcement Bureau
Suspect:	Saenz-Campana, Carlos MH/12-10-85
Involved Employees:	Deputy Marc Shultz #[redacted] Deputy Juan Rodriguez #[redacted] Deputy Richard Diliberti #[redacted]
EFRC Date:	July 23, 2015

The Executive Force Review Committee (EFRC) consisting of Commanders Ralph J. Webb, Eddie Rivero and Patrick E. Maxwell met and reviewed the above case.

FINDINGS:

The EFRC determined the use of deadly force and tactics were within Department policy.

RECOMMENDATIONS:

The EFRC made no recommendations

PEM:JRB:jrb